

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIC M. MISKOVITCH,	)	
	)	
Plaintiff,	)	Case No. 06-1410
	)	
v.	)	District Judge Donetta W. Ambrose
	)	
LT. HOSTOFFER, et al.,	)	
	)	
Defendants	)	

**ORDER**

The above captioned case was received on October 20, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (doc. no. 224), filed on May 19, 2010, recommended that the Motion for Summary Judgment filed by Defendants Walton, Cmar, Hostoffer, Lowther, Rosado, Hutchinson, Balya, Ceraso, Light and the Westmoreland County Jail (doc. no. 136) be granted except as to Plaintiff's claim of excessive force against Defendants Hostoffer, Rosado and Hutchinson. Defendants filed Objections to the Report and Recommendation on June 2, 2010 (doc. no. 234). Defendants' objections do not undermine the recommendation of the Magistrate Judge. After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

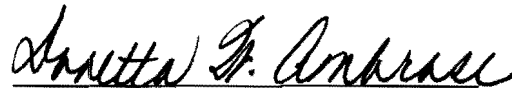
**AND NOW**, this 10th day of June, 2010;

**IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by Defendants Walton, Cmar, Hostoffer, Lowther, Rosado, Hutchinson, Balya, Ceraso, Light and the

Westmoreland County Jail (doc. no. 136) is **GRANTED EXCEPT** as to Plaintiff's claim of excessive force against Defendants Hostoffer, Rosado and Hutchinson.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 224) of Magistrate Judge Lenihan, dated May 19, 2010, is adopted as the Opinion of the court.

By the Court:

A handwritten signature in cursive script, appearing to read "Donetta W. Ambrose".

Donetta W. Ambrose  
United States District Judge

cc: Eric M. Miskovitch  
DA 5989  
SCI Graterford  
Post Office Box 244  
Graterford, PA 19426-0244